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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,466

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Gary A. Watkins

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EXAMINER

MEYERS, MATTHEW S

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/601,466	Applicant(s) WATKINS ET AL.	
	Examiner MATTHEW S. MEYERS	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's communication on 07/28/2008, wherein claims 19 and 20 have been added. Thus, claims 1-20 are currently pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/08 has been entered.

- 2.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted is being considered by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over by Vieweg et al (U.S. 6,611,194) (hereinafter Vieweg '194) in view of *Bonita Software Demonstrates ToGo In-Vehicle Solutions, a Java based Telematics Technology at Convergence 2000 Business Editors*, High Tech Writers, October 16, 2000 (Hereinafter referred to as Bonita).

2. With respect to claims 1, 10 and 18, Vieweg '194 discloses a method and inherently discloses computer readable media and a system for:

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- a. associating a vehicle telematics device with a vehicle telematics subscription service (insertion of a decoding key into the terminal to enable the terminal to decode a service key so that service data (traffic information, navigation, etc.) may be decoded and used in the terminal is interpreted to teach the associating of a vehicle telematics device with a vehicle telematics subscription service)(Vieweg '194 col. 3 lines 21 - 31)
- b. maintaining subscription service data at the vehicle telematics device (the service key stored on the terminal is interpreted to be subscription service data stored on the telematic device)(Vieweg '194 col. 4 lines 5-6)
- c. deactivating the vehicle telematics device at the vehicle at the expiration of the subscription service based on the subscription service data (the disclosure of service keys for service data which is registered only for a period of time to expire in the terminal after some time is considered to teach deactivating the vehicle telematics device at the vehicle at the expiration of the subscription service based on the subscription service data) (Vieweg '194 col. 1 lines 48 - 52),
- d. Vieweg discloses all the above limitations. Additionally, Vieweg discloses that during two-way communication the terminal may send data to the service center. Vieweg does not explicitly wherein this communication from the terminal to the service comprises placing a communication from the vehicle telematics device and surrendering at least one identification number previously assigned to the vehicle telematics device. However, Bonita teaches a Java based telematics solution which allows users to cancel a subscription by placing a communications

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from the vehicle telematics device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the two way communications of Vieweg with the ability to cancel a subscription by placing a communication form the vehicle telematics device in order to give a customer the freedom to activate or deactivate their one or more subscriptions, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

3. With respect to claims 2 and 11, Vieweg '194 discloses a method and inherently computer readable media for: configuring an enrollment event trigger parameter in the vehicle telematics device (the disclosure of service keys that may expire in the device and render the device inoperable, and hence require replacement with a new service key is interpreted to teach the configuring of an enrollment event trigger parameter in the vehicle telematics device)(Vieweg '194 col. 1 lines 48 - 52).

4. With respect to claim 3, Vieweg '194 discloses a method for: selecting an enrollment event trigger from expired months or specific date (the disclosure of service keys for service data that which is registered only for a period of time to expire in the terminal after some time has elapsed is interpreted to teach an enrollment event trigger selected from expired months and/or a specific date)(Vieweg '194 col. 1 lines 31 -33).

5. With respect to claims 4 and 12, Vieweg '194 discloses a method and inherently computer readable media for: determining an enrollment event based on the enrollment event trigger parameter (the insertion of new service keys, which may be necessary, for example, when a subscription period has expired for a particular service is interpreted to

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teach determining an enrollment event based on the enrollment event trigger parameter)(Vieweg '194 col. 1 lines 48 -52), initiating an inbound communication from the vehicle telematics device responsive to a determination of an enrollment event (the disclosure of a request being made by the service center 3 or 4 in response to the terminal 2 sending a request is interpreted to teach the initiation of an inbound communication from the vehicle telematics device in response to a determination of an enrollment event)(Vieweg '194 col. 3 lines 57 - 59), receiving a configuration data communication (the disclosure of the service center transmitting the new service key to the terminal, and the use of the new service key by the terminal to decode encrypted service data is interpreted to teach the receiving of configuration data communication)(Vieweg '194 col. 4 lines 31 - 36), and configuring an activation event trigger parameter and a maintenance event trigger parameter based on the received configuration parameter (the disclosure of the desirability of allowing service keys registered only for a period of time and expire in the terminal after some time, or that it can be desirable for such service keys to be updated)(Vieweg '194 col. 1 lines 31 -33). The disclosure of service keys that require updating is interpreted to disclose a maintenance event trigger parameter. Vieweg '194 inherently discloses an activation event trigger parameter because once the service key is installed on the telematics device, the telematic device becomes activated since it is able to decode service data and is thereby operational from the viewpoint of a user.

6. With respect to claims 5 and 13, Vieweg '194 discloses a method and inherently computer readable media for: configuration data communication to include telematic

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device subscription service data, telematics device service provider data, telematics device authentication data and maintenance event data (the disclosure of the transmission of service key 9 from a service center 3 or 4 into a terminal 2)(Vieweg '194 col. 4 lines 5 - 8). The terminal requires a valid service key in order to make use of the service data, therefore the service key is interpreted to include subscription service data, telematics service provider data, telematics device authentication data and as the service key may expire after some time and require updating or replacement, maintenance event data as well.

7. With respect to claims 6 and 14, Vieweg '194 discloses a method and inherently computer readable media for: activating the telematics device for operation with the subscription service by way of teaching the sequence for coded insertion of a service key 9 (for service data) from a service center 3 or 4 into a terminal 2 start with terminal 2 requesting (in step 11) a service key from a service center 3 or 4 (Vieweg '194 col. 4 lines 5 -9). As the terminal requires a valid service key in order to make use of the service data, the insertion of the service key into the device is interpreted to teach the activation of the vehicle telematics device for operation with the subscription service.

8. With respect to claims 7 and 15, Vieweg '194 discloses a method and inherently computer readable media for: Determining an activation event based on the activation event trigger parameter by way of teaching the sequence for coded insertion of a service key 9 (for service data) from a service center 3 or 4 into a terminal 2 start with terminal 2 requesting (in step 11) a service key from a service center 3 or 4 (Vieweg '194 col. 4 lines 5-9). As the terminal requires a valid service key in order to make use of

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the service data, the insertion of the service key into the device is interpreted to teach the activation of the vehicle telematics device for operation with the subscription service and hence the determination of an activation event based on the trigger parameter is inherently disclosed. Initiating an inbound communication responsive to a determination of an activation event by way of teaching that the sequence for coded insertion of a service key 9 (for service data) from a service center 3 or 4 into a terminal 2 starts with terminal 2 requesting (in step 11) a service key from a service center 3 or 4 (emphasis added)(Vieweg '194 col. 4 lines 5-9). Registering an authentication key by way of teaching the terminal manufacturer 1 transmits 13 to the trust center 5 a terminal identity number 10 which enables the trust center 5 to assign the decoding key 7 to a terminal identity and hence to a terminal (emphasis added)(Vieweg '194 col. 3 lines 53-57).

9. With respect to claims 9 and 17, Vieweg '194 discloses a method and inherently computer readable media for: deactivating the vehicle telematics device by disassociating the vehicle telematics device from the vehicle telematics device subscription service by way of teaching that new service keys may be necessary when a subscription period has expired for particular service. (Vieweg '194 col. 1 lines 49-51). Vieweg '194 thereby inherently teaches that when a service key has expired or is no longer valid, the vehicle telematics device is thereby disassociated from the telematics service.

10. With respect to claims 8 and 16, Vieweg '194 discloses a method and inherently computer readable media for: determining a maintenance event based on the

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maintenance even trigger parameter by way of teaching that new service keys may be necessary when a subscription period has expired for a particular service, thereby teaching determining a maintenance event (interpreted to be the necessity of new service keys) in response to a maintenance event trigger parameter (interpreted to be expiration of a subscription period for a particular service). (Vieweg '194 col.1 lines 49 - 51). initiating an inbound communication responsive to a determination of a maintenance event. Vieweg '194 discloses the initiation of communication in response to an activation event when the terminal requests a new service key (Vieweg '194 col. 4 lines 5 - 9). Vieweg '194 also discloses that new service keys may be needed when a subscription period has expired. (Vieweg '194 col. 1 lines 49 - 50). The disclosures of Vieweg '194 are interpreted to teach the initiation of an inbound communication in response to the determination of a maintenance event. receiving a maintenance data communication having an updated maintenance event trigger parameter by way of teaching the transmittal of a new service key to the terminal (Vieweg '194 col. 4 lines 31 - 38). configuring an updated maintenance event trigger at the vehicle telematics device inherently, as the service key may expire in the terminal after some time, and the terminal thereby requires an updated service key and an updated maintenance event trigger is therefore configured when the updated service key is transmitted to the device. (See Vieweg '194 col. 1 lines 31 - 33).

11. With respect to claim 19, Vieweg '194 discloses a method wherein the identification number comprises an ID assigned to the telematics unit during a previous activation of the telematics unit (Vieweg '194 col. 1 lines 17 - 41).

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12. With respect to claim 20, Vieweg '194 discloses a method wherein the identification number comprises a cellular telephone (Vieweg '194 col. 1 lines 17-24).

Response to Arguments

13. Applicant's arguments filed 07/28/08 have been fully considered but they are not persuasive. Applicant's arguments have been addressed above in the new § 103 rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sziraki et al. Pub. No.: US 2003/0109263.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. MEYERS whose telephone number is (571)272-7943. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Meyers/
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689